

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:06CR298
	§	
ANTONIO VANTODD JENKINS	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 25, 2014 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On June 11, 2007, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 46 months imprisonment followed by a three-year term of supervised release for the offense of Felon in Possession of a Firearm. The term of supervised release was revoked on March 21, 2011, and the offender was sentenced to 10 months imprisonment followed by an additional 24 months of supervised release. Defendant began his original term of supervision on July 16, 2010. Following his revocation, this new term of supervised release began on December 28, 2011. On October 5, 2010, the case was transferred to the Honorable Richard A. Schell, United States District Judge.

On June 7, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the “Petition”) (Dkt. 47). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month; (2) Defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; and (4) Defendant shall obtain his General Education Development Certificate (GED).

The Petition alleges that Defendant committed the following violations: (1) Defendant failed to report on May 29, 2013 as instructed by certified letter. Defendant failed to submit monthly report forms for the months of February, March, April and May 2013; (2) Defendant has failed to maintain employment during his term of supervised release; (3) Defendant submitted a urine specimen that tested positive for marijuana on March 11, 2013; and (4) Defendant failed to obtain a General Education Development Certificate (GED).

At the hearing, Defendant entered a plea of not true to the alleged violations. The Government offered the testimony of Steve Johnson, U.S. Probation officer, who testified about the alleged violations and Defendant’s non-compliance with his conditions of release. At the hearing, Defendant also offered sworn testimony about the allegations against him.

Having considered the testimony offered and the allegations made, the Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be

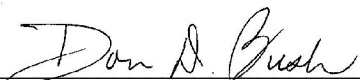
revoked.

Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 25, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if appropriate.

SIGNED this 7th day of March, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE